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STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL

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Honorable Peggy Sellers Benson  
Executive Officer  
Alabama Board of Nursing  
Post Office Box 303900  
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Nursing, Board of – Nurses and Nursing –  
Loan-Repayment Program for Advanced-  
Practice Nursing – Scholarships – Programs

Act 2016-353 does not permit the Alabama Board of Nursing (“Board”) to award loans for previously completed scholastic years to persons who have already graduated with a graduate degree from an accredited nursing program approved by the Board and who agree to work in an area of critical need as required by the act.

Dear Ms. Benson:

This opinion of the Attorney General is issued in response to your request.

QUESTION

Does Act 2016-353 permit the Alabama Board of Nursing to award loans for previously completed scholastic years to participants who have already graduated with a graduate degree from an accredited nursing program approved by the Board and who agree to work in an area of critical need as required by the act?

FACTS AND ANALYSIS

Act 2016-353 added sections 34-21-94 through 34-21-99 to the Code of Alabama, establishing the Alabama Loan-Repayment Program for Advanced-Practice Nursing. 2016 Ala. Acts. No. 2016-353. This law incentivizes

advanced practice nurses to locate their practices in areas of critical need in Alabama.

Your particular inquiry questions whether the Alabama Board of Nursing, which administers the Loan-Repayment Program, is authorized to award loans to persons who have already graduated for previously completed scholastic years. Section 34-21-96 provides, in pertinent part, as follows:

(a)(1) *The Board shall establish and award, according to the judgment of the Board, loans to provide for the training of qualified applicants for admission or students in accredited nursing education programs approved by the Board who are pursuing a graduate degree* to become a certified registered nurse practitioner (CRNP), a certified nurse midwife (CNM), or a certified registered nurse anesthetist (CRNA), but only for people who have signed contracts as provided in subsection (b). *The Board may permit eligible people to apply for a loan under the Alabama Loan-Repayment Program for Advanced-Practice Nursing in any scholastic year and for any previously completed scholastic year.*

(2) The Board may award to an eligible person, for as many as three years for a person pursuing a master's degree and as many as four years for a person pursuing a doctorate, an annual loan not to exceed \$15,000, except that the Board in each succeeding year may raise the maximum amount allowed for an annual loan by the average percentage increase for that year, compared to the previous year, in in-state tuition for graduate programs in advanced-practice nursing charged by public colleges or universities in Alabama.

....

(b) *A loan or loans under this Program may be awarded only to people who have signed contracts with the Board to repay amounts received under the Program by working following graduation in full-time practice as a CRNA, CRNP, or CNM in an area of critical need for eighteen (18) months for each year he or she received a loan under the Program.*

Under the established rules of statutory construction, words used in a statute must be given their natural, plain, ordinary, and commonly understood meaning, and where plain language is used, a court is bound to interpret that language to mean exactly what it says. *In re Inc. of Caritas Vill. v. Fuhrmeister*, 152 So. 3d 1238, 1241 (Ala. 2014). The fundamental rule of construction is to ascertain and give effect to the intent of the Legislature in enacting the statute. *Ex parte Ala. Dep't of Mental Health & Mental Retardation*, 840 So. 2d 863, 867 (Ala. 2002); *Gholston v. State*, 620 So. 2d 719, 721 (Ala. 1993).

Courts look for the legislative intent in the language of the act, and although that language may be explained, one cannot detract from it nor add to it. *Ala. Indus. Bank v. State ex rel. Avinger*, 286 Ala. 59, 62, 237 So. 2d 108, 110 (1970); *May v. Head*, 210 Ala. 112, 96 So. 869, 870 (1923). Where a statutory pronouncement is distinct and unequivocal, there remains no room for judicial construction, and the clearly expressed intent of the Legislature must be given effect. *Ex parte Holladay*, 466 So. 2d 956, 960 (Ala. 1985); *Dumas Bros. Mfg. Co. v. S. Guar. Ins. Co.*, 431 So. 2d 534, 536 (Ala. 1983).

Section 34-21-96 expressly authorizes the Board to award loans that provide for the training of applicants or students who are pursuing a graduate degree in an advanced-practice nursing specialization such as a certified registered nurse practitioner, a certified registered nurse anesthetist, or a certified nurse midwife. Further, this provision also authorizes the Board to allow applicants to apply for a loan in any scholastic year and any previously completed scholastic year.

Nothing in sections 34-21-94 through 34-21-99 expressly or impliedly authorizes the Board to grant awards to persons who have already graduated, and thus, are no longer enrolled in or pursuing a graduate degree in nursing. Eligible applicants to the Loan-Repayment Program are those persons who apply for a loan while such person is either an applicant for admission or a student in an accredited graduate nursing program. Accordingly, these sections authorize applicants and students, i.e., persons currently enrolled or persons reenrolling in a qualifying graduate degree program in nursing, to apply for a loan for any current or previously completed scholastic year.

### CONCLUSION

Act 2016-353 does not permit the Board of Nursing to award loans for previously completed scholastic years to persons who have already graduated with a graduate degree from an accredited nursing program approved by the Board and who agree to work in an area of critical need as required by the act.

Honorable Peggy Sellers Benson  
Page 4

I hope this opinion answers your question. If this Office can be of further assistance, please contact Monet Gaines of my staff.

Sincerely,

LUTHER STRANGE  
Attorney General

By:

A handwritten signature in black ink, appearing to read "G. Ward Beeson, III". The signature is written in a cursive, flowing style with a prominent initial "G" and a long, sweeping underline.

G. WARD BEESON, III  
Chief, Opinions Section

LS/MMG  
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